

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CINTHIA THEVENIN, individually, and as
wife of EDSON THEVENIN, Decedent, and
as Administratrix of the Estate of EDSON
THEVENIN, and as mother and natural
guardian of Infant N.T. and as mother and
natural guardian of Infant Z.T,

Plaintiff,

—against—

THE CITY OF TROY and SERGEANT
RANDALL FRENCH,

Defendants.

16-CV-1115(DJS)

DECLARATION OF
STEVEN J. HARFENIST

STEVEN J. HARFENIST, an attorney admitted to practice in the courts of the United States District Court for the Northern District of New York, declares the following, under the penalties of perjury

1. I am a partner in the firm of Harfenist Kraut & Perlstein, LLP, which together with the firm of Hach & Rose, LLP are attorneys for Plaintiff CINTHIA THEVENIN, who has filed suit as in her capacity as administratrix of the Estate of EDSON THEVENIN, as well in her capacity as wife of EDSON THEVEIN and mother and natural guardian of N.T. and Z.T. who are EDSON THEVENIN's children. I am fully familiar with the facts and circumstances of this matter as set forth herein.

2. This Declaration is submitted in opposition to Defendants' Motion for Summary Judgment under FRCP 56.

3. A copy of CINTHIA THEVENIN's §50-h transcript is included in Plaintiff's Supplemental Record in opposition to the motion as SR 1-65.

4. A copy of pictures of Defendant Sergeant Randall French, taken at 5:00 A.M. on April 17, 2016 is included in Plaintiff's Supplemental Record in opposition to the motion as SR 66-73.

Dated: Lake Success, New York
April 2, 2019

By: *Steven J. Harfenist*
Steven J. Harfenist